

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:)	Docket No.:	4258-119
)		
Applicants:)	Conf. No.:	8556
GOMEZ ROMAN, Jose Javier,)		
et al.)		
)		
Application No.:)	Art Unit:	1646
10/563,025)		
)		
Date Filed:)	Examiner:	Not Yet Assigned
December 30, 2005)		
)		
Title:)	Customer No.:	
IN VITRO METHODS FOR)		
DETECTING RENAL)		
CANCER)		23448

CERTIFICATE OF EFS FILING

I hereby certify that this document is being filed via EFS in the United States Patent and Trademark Office on **February 11, 2008**.

/steven j. hultquist/

PETITION UNDER 37 CFR 1.183 FOR WAIVER OF STATEMENT OF UNAVAILABLE CO-INVENTOR MARIA ELADIA ARGUELLES SANCHEZ RELATING TO CHANGE OF INVENTORSHIP UNDER 37 CFR 1.497(d) IN U.S. PATENT APPLICATION NO. 10/563,025, AND WRITTEN CONSENT OF ASSIGNEE, PROGENIKA BIOPHARMA, S.A., TO SUCH CHANGE OF INVENTORSHIP

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This responds to the decision dated November 13, 2007 Decision of the Office of PCT Legal Administration, dismissing without prejudice the applicants' request under 37 CFR 1.497 for a change of inventorship, and declaring that applicants must either locate and obtain the consent of Maria Eladia Arguelles Sanchez, file a petition under 37 CFR 1.183 to waive the requirement, or refile the application as a continuation of PCT/EP2004/007195.

As documented by the evidence of record, diligent efforts have been made to locate Maria Eladia Arguelles Sanchez and prospects have been exhausted for locating her.

It is hereby petitioned under the provisions of 37 CFR 1.183 that the requirement of a statement by Maria Eladia Arguelles Sanchez of the error in inventorship be waived, on the basis that the evidence of record shows her to be unavailable, and that a supporting consent of the assignee is enclosed and submitted herewith, assenting to the correction of inventorship sought to be effected by this submission.

As set forth in the accompanying consent, PROGENIKA BIOPHARMA, S.A. is the assignee of the above-identified application, by an assignment recorded on March 10, 2006 in the assignment records of the U.S. Patent and Trademark Office, at Reel 017337, Frame 0365. Such assignee in the accompanying document consents to the deletion of Maria Eladia Arguelles Sanchez as a co-inventor, and affirms that she was originally included in the inventorship of the present application as a result of error and without deceptive intention.

The processing fee set forth in 37 CFR §1.17(l) for this petition was previously satisfied by a charge to Deposit Account No. 08-3284 on August 3, 2007 in the amount of \$130.00, as confirmed by the Office of PCT Legal Administration in its November 13, 2007 Decision.

Accordingly, with this petition, prior payment of the processing fee specified in 37 CFR 1.17(l), and accompanying written consent of the assignee, all requirements of 37 CFR 1.497(d) have been met.

Petition is further made under the provisions of 37 CFR 1.136(a) for a one-month extension of the term set in the November 13, 2007 Decision for requesting reconsideration on the merits, extending the deadline for reply to the Decision, to February 13, 2008. The fee of \$60 specified in 37 CFR 1.17(a)(1) for such one-month extension is being paid by on-line payment at the time of EFS submission of this Petition and accompanying Consent.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 08-3284 of Intellectual Property/Technology Law.

It therefore is requested that the U.S. Patent and Trademark Office correct the inventorship records of the above-identified application, to delete Maria Eladia Argulles Sanchez as a co-inventor for the application, so that the inventorship is correctly stated as Jose Javiar Gomez Roman, Maria Pilar Saenz Jimenez, Jorge Ochoa Garay, Jokin Del Amo Iribarren, Cristina Sanz Ibayondo, Corina Junquera Sanchez-Vallejo, Laureano Simon Buela, Antonio Martinez Martinez, Jose Fernando Val Bernal and Jorge Cuevas Gonzalez.

Respectfully submitted,

/steven j. Hultquist/
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Enclosures:

Consent of Assignee to Correction of Inventorship [1 pg.]

<p>The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 08-3284</p>
